

### REMARKS

By this Amendment, claims 1, 26, and 51 are amended merely to clarify the recited subject matter, and claims 2, 27, and 52 are cancelled without prejudice or disclaimer. Claims 1, 3-26, 28-51, and 53-56 are pending. Claims 1, 26, and 51 are independent.

#### **I. Telephonic Interviews of July 29, 2004 and Aug. 18, 2004 – Allowable Subject Matter**

Applicants thank the Examiner for contacting Applicant's representative on July 29, 2004. The Examiner stated that claim 1 would be allowable if amended to include the subject matter of claim 2, and that claim 26 would be allowable if amended to include the subject matter of claim 27. Claim 51 would be allowable if amended to include the subject matter of claim 52 and a limitation that the spreading code used to spread the traffic channel is changed according to a required data transmission rate.

Applicants contacted the Examiner following receipt of the present Action, and thank the Examiner for affirming on August 18, 2004 the above earlier indication of allowability.

Herein, Applicants have amended claims 1, 26, and 51 as directed by the Examiner. Accordingly, claims 1, 26, and 51, and claims 3-25, 28-50, and 53-56 that depend therefrom, are now in condition for allowance.

#### **II. Claim Rejections – 35 U.S.C. § 103**

The Office Action rejected claims 1-15, 17-40, and 42-46 under 35 U.S.C. § 103(a) as being unpatentable in view of Allpress et al. (U.S. Patent No. 5,920,552; hereafter "Allpress") or Sato (U.S. Patent No. 6,130,884), and claims 16 and 41 under 35 U.S.C. § 103(a) as being unpatentable over Allpress or Sato in view of Ovesjo (U.S. Patent No. 6,542,484).

Claims 2, 27, and 52 have been cancelled, rendering the rejections moot with respect to these claims. Applicants traverse the above rejections with respect to the remaining claims because none of the cited references, analyzed individually or in combination, teach or suggest the combination of features recited in the amended independent claims.

For example, as affirmed by the Examiner in the telephonic interviews referred to above, the cited references fail to teach or suggest the combination of features recited in amended independent claim 1:

1. A method for transmitting data from a radio network subsystem to user equipment in a mobile telephone system, comprising:

- the radio network subsystem transmits a physical control channel to the user equipment;
  - the radio network subsystem transmits a physical traffic channel of variable data transmission rate to the user equipment;
  - during transmission, the radio network subsystem spreads each channel with a spreading code;
  - the spreading code used to spread the traffic channel is changed according to a required data transmission rate, and
- wherein each control channel frame indicates the spreading code with which a corresponding traffic channel frame is spread when transmitted, and
- wherein the control channel and traffic channel frames associated with each other are transmitted on the same frequency, spread with a different spreading code, and separated by one frame length at most.

Similarly, as affirmed by the Examiner, the cited references fail to teach or suggest the combination of features recited in amended independent claim 26:

26. A radio network subsystem which is adapted to:

- transmit a physical control channel to user equipment;
- transmit a physical traffic channel of variable data transmission rate to the user equipment;
- spread each channel with a spreading code during transmission; and
- change the spreading code used to spread the traffic channel according to a required data transmission rate, and wherein

the radio network subsystem is adapted to indicate in each control channel frame the spreading code with which a corresponding traffic channel frame is spread when transmitted, and

wherein the radio network subsystem is adapted to transmit the control channel and traffic channel frames associated with each other on the same frequency, spread with different spreading codes, and separated by one frame length at most.

Additionally, as affirmed by the Examiner, the cited references fail to teach or suggest the combination of features recited in amended independent claim 51:

51. User equipment which is adapted to:

- receive a physical control channel transmitted by a radio network subsystem;
- receive a physical traffic channel of variable data transmission rate transmitted by the radio network subsystem, wherein a spreading code used by the radio network subsystem to spread the traffic channel during transmission is changed according to a required data transmission rate; and

- remove the spreading of each channel with a spreading code, ~~and~~ wherein

the user equipment is adapted to read from each control channel frame the spreading code with which a corresponding traffic channel frame is spread, and

wherein the user equipment is adapted to receive the control channel frames and traffic channel frames associated with each other transmitted by the radio network subsystem on the same frequency, spread with different spreading codes, and separated by one frame length at most.

Therefore, independent claims 1, 26, and 51 are patentable over the combined teachings of Allpress, Sato, and Ovesjo. Dependent claims 3-25, 28-50, and 53-56 are patentable for at least the above reasons and for the additional features recited therein.

### III. Conclusion

All objections and rejections having been addressed, Applicants request immediate issuance of a Notice of Allowance allowing all pending claims. However, if anything is necessary to place the application in even better condition for allowance, Applicants request that the Examiner phone their undersigned representative at the number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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